



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
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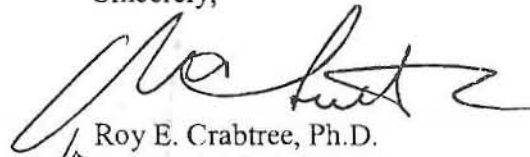
Mr. Joseph Christopher
Regional Supervisor
Minerals Management Service
1201 Elmwood Park Boulevard
New Orleans, LA 70123-2394

Dear Mr. Christopher:

This constitutes the National Marine Fisheries Service's (NMFS) biological opinion (opinion) based on our review of the Minerals Management Service's (MMS) request for formal Endangered Species Act (ESA) section 7 consultation on the effects of the Five-Year Outer Continental Shelf Oil and Gas Leasing Program (2007-2012) in the Central and Western Planning Areas of the Gulf of Mexico. The biological opinion concludes that the five-year leasing program and its associated actions are not likely to jeopardize the continued existence of threatened or endangered species under the jurisdiction of NMFS or destroy or adversely modify designated critical habitat. However, NMFS anticipates incidental take of sea turtle species and has issued an Incidental Take Statement (ITS) pursuant to section 7 of the ESA. This ITS contains reasonable and prudent measures with implementing terms and conditions to help minimize this take.

We look forward to cooperation with you on a pile driving study and workshop, and our continued cooperation to ensure the conservation of our threatened and endangered marine species and designated critical habitat. We have enclosed other statutory requirements that may apply to this action, as well as additional information on NMFS' Public Consultation Tracking System to allow you to track the status of ESA consultations. If you have any questions, please contact Kyle Baker, fishery biologist, at (727) 824-5312, or by e-mail at kyle.baker@noaa.gov.

Sincerely,



Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosures

cc: F - Lindow

File: 1514-22.O.1

Ref: F/SER/2006/02611



Additional Considerations for ESA Section 7 Consultations (Revised 12-6-2005)

Marine Mammal Protection Act (MMPA) Recommendations: The Endangered Species Act (ESA) section 7 process does not authorize incidental takes of listed or non-listed marine mammals. If such takes may occur, an incidental take authorization under MMPA section 101 (a)(5) is necessary. Contact Ken Hollingshead of our NMFS Headquarters' Protected Resources staff at (301) 713-2323 for more information on MMPA permitting procedures.

Essential Fish Habitat (EFH) Recommendations: In addition to its protected species/critical habitat consultation requirements with NMFS' Protected Resources Division (PRD) pursuant to section 7 of the ESA, prior to proceeding with the proposed action the action agency must also consult with NMFS' Habitat Conservation Division (HCD) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act's (MSA) requirements for essential fish habitat (EFH) consultation (16 U.S.C. 1855 (b)(2) and 50 CFR 600.905-.930, subpart K). The action agency should also ensure that the applicant understands the ESA and EFH processes; that ESA and EFH consultations are separate, distinct, and guided by different statutes, goals, and time lines for responding to the action agency; and that the action agency will (and the applicant may) receive separate consultation correspondence on NMFS letterhead from HCD regarding their concerns and/or finalizing EFH consultation.

Public Consultation Tracking System (PCTS) Guidance: PCTS is an online query system allowing federal agencies and U.S. Army Corps of Engineers' (COE) permit applicants to track the status of NMFS consultations under ESA section 7 and under MSA sections 305(b)(2) and 305(b)(4): Essential Fish Habitat. Access PCTS via: www.nmfs.noaa.gov/pcts. Federal agencies are required to enter an agency-specific username and password to query the Federal Agency Site. The Corps Permit Site allows COE permit applicants to check on the current status of Clean Water Act section 404 permit actions for which NMFS has conducted an ESA section 7 consultation with the COE since the beginning of the 2001 fiscal year (no password needed).

For COE-permitted projects, click on "Enter Corps Permit Site." From the "Choose Agency Subdivision (Required)" list, pick the appropriate COE district. At "Enter Agency Permit Number," type in the COE district identifier, hyphen, year, hyphen, number. The COE is in the process of converting its permit application database to PCTS-compatible "ORM." An example permit number is: SAJ-2005-000001234-IPS-1. For the Jacksonville District, which has already converted to ORM, permit application numbers should be entered as SAJ (hyphen), followed by 4-digit year (hyphen), followed by permit application numeric identifier with no preceding zeros. E.g., SAJ-2005-123, SAJ-2005-1234, SAJ-2005-12345.

For inquiries regarding applications processed by Corps districts that have not yet made the conversion to ORM (e.g., Mobile District), enter the 9-digit numeric identifier, or convert the existing COE-assigned application number to 9 numeric digits by deleting all letters, hyphens, and commas; converting the year to 4-digit format (e.g., -04 to 2004); and adding additional zeros in front of the numeric identifier to make a total of 9 numeric digits. E.g., AL05-982-F converts to 200500982; MS05-04401-A converts to 200504401. PCTS questions should be directed to Eric Hawk at Eric.Hawk@noaa.gov. Requests for username and password should be directed to April Wolstencroft (PCTSupport@noaa.gov).